

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:19-cr-083-M-1
)	Chief Judge Barbara M. G. Lynn
RUEL M. HAMILTON)	

**MR. HAMILTON'S MOTION TO DELAY HIS SURRENDER DATE BY TWO-WEEKS
TO ADDRESS A CANCER CONCERN**

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Mr. Hamilton appreciates this Court's prior willingness to extend his surrender date to accommodate his open-heart surgery and rehabilitation, which has gone well, but he asks this Court's indulgence hopefully one last time to address a significant cancer concern that was discovered during an MRI yesterday. (*See Ex.*, 7/14/22 Ltr. from Dr. Stark-Vance with MRI Report.) As the Court is aware, Mr. Hamilton also has had considerable back pain due to an abnormal masse along his spine. That masse has continued to cause Mr. Hamilton pain, so his doctor had an MRI performed yesterday. In doing so, there was an alarming discovery. A lymph node in Mr. Hamilton's back that appeared normal in previous scans had grown to about 3 cm, which is a significant increase in a short amount of time, and it has taken on a shape that the neuroradiologist verbally described as "gnarly." There is a second 2 cm abnormal lymph node visible near this one as well.

Given the sudden growth, current size, and abnormal shape of these lymph nodes – as well as Mr. Hamilton's prior near death experience with cancer – his doctor would like to arrange a PET scan in the next few days and will likely want to conduct a biopsy (which is difficult given its location). Mr. Hamilton is scheduled for a CT scan later today. As Dr. Stark-Vance explains, under the circumstances, "a recurrence in a cancer patient such as Mr. Hamilton must be taken very seriously."

Mr. Hamilton should not require much time to complete the PET scan and biopsy, but it cannot be completed by his current surrender date of next Tuesday, July 19, 2022. Accordingly, Mr. Hamilton asks that the Court extend his reporting date by two weeks, until August 2, 2022, and to permit his ankle monitor to be removed during the PET scan and biopsy (if necessary).¹

¹ As the Court may know, Mr. Hamilton's oral argument before the Fifth Circuit was held on July 8, 2022. Following oral argument, Mr. Hamilton filed an opposed motion with that Court to renew his motion for release pending appeal. The Fifth Circuit ordered an expedited briefing schedule

The government's position on the motion is unclear. The defense only yesterday learned of this concern that Mr. Hamilton's cancer may have returned and we have sought to move quickly to raise this issue with the Court, particularly given Tuesday's surrender date. The defense sought to file this motion yesterday, but the government indicated that it had insufficient information to agree to the request because, at that time, the defense had not yet provided the government with a letter from the doctor and the PET scan had not been scheduled yet. Later that evening, around 5:30 PM Dallas time, the defense did provide the government with the attached letter from Dr. Stark-Vance and Mr. Hamilton's MRI Report, including Dr. Stark-Vance's representation that "the PET scan will be completed in the next few days." Although we hope these materials satisfy the government's concerns, we have not heard back from the government on this issue. The defense wanted to get this motion before the Court as early as possible this morning so that the Court had adequate time to consider this time-sensitive matter.

Dated: July 15, 2022

Respectfully submitted,

/s/ Christopher D. Man

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with the final brief due today at noon, July 15, 2022. A prompt ruling by the Fifth Circuit in Mr. Hamilton's favor may moot this request in some respects, but regardless of how the Fifth Circuit rules on that motion or when, Mr. Hamilton will need this Court's permission to have his ankle monitor removed for the medical procedures.

CERTIFICATE OF SERVICE

I certify that on July 15, 2022, a copy of the foregoing was filed with the Court's electronic case filing system, thereby effecting service on counsel for all parties.

/s/ Christopher D. Man
Christopher D. Man